IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

MACA.No. 652 OF 2005()

OPMV.555/1998 OF MOTOR ACCIDENT CLAIMS TRIBUNAL, KALPETTA
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APPELLANT/PETITIONER

ANIL ANTONY, S/O.ANTONY,
AGED 28 YEARS, NELLIKKUNNEL HOUSE,
P.O.MUTTIL, KOLAVAYAL, VYTHIRI TALUK.

BY ADV. SRI.ABRAHAM MATHEW (VETTOOR)

RESPONDENTS/RESPONDENTS:
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1. MOHANAN @ VIJAYAKUMAR,
S/O.KUTTAPPAN, AGED ABOUT 33 YEARS,
VALIYAKANJAPPRAYIL HOUSE, PURAKADY AMSOM,
CHOOTTUPARA, BATHERY TALUK,
(DRIVER OF THE JEEP NO.KLL 6565) D.L.NO. NOT
KNOWN.

2. K.AJI, S/O.KESAVAN, ALAKADAVIL HOUSE,
P.O.VALAVAYAL, S.BATHERY, (OWNER OF THE JEEP
NO.KLL 6565).

3. UNITED INDIAN INSURANCE CO,.
KALPETTA, (LOCAL BRANCH OF THE INSURERS,
S.BATHERY BRANCH) POLICY NO.100311/31/50/11/95/98)

BY ADV. SRI.M.S.PATTALI
SRI.K.J.KURIACHAN

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON 02/04/2007, THE COURT ON THE SAME DAY, DELIVERED THE FOLLOWING:

P.R. RAMAN & ANTONY DOMINIC, JJ.

M.A.C.A. NO. 652 OF 2005

DATED THIS, THE 2ND DAY OF APRIL, 2007.

J U D G M E N T

Antony Dominic, J.

The claimant in O.P.(MV) 555 of 1998 on the file of the Motor Accidents Claims Tribunal, Kalpetta is the appellant herein. On 29.9.1998, while the claimant was riding a motor cycle, when he reached near Valavayal, a jeep driven by the first respondent hit the motor cycle and in the accident, he suffered serious injuries. He was admitted in Fathima Matha Mission Hospital, Kalpetta as an inpatient. Subsequently, he filed the claim petition limiting his claim to Rs. 2 lakhs. The Tribunal, by the impugned award, awarded a total compensation of Rs. 53,750/- with 6% interest and it is aggrieved by the said award, the claimant has come up in appeal.

2. We have gone through the award in its entirety. We are satisfied that except in so far as the award concerns compensation for pain and

suffering and disability, in all other respects, it needs to be sustained as the compensation awarded is quite reasonable. As noted by the Tribunal, a reference to Ext.A8 treatment certificate would show that the claimant had suffered lacerated wound over anteromedial aspect of left leg, compound fracture of both bones of left leg, rupture of tibialis posterior tendon left side, fracture of left humerous, fracture of 10th ribs and radial nerve palsy on left side. He had undergone treatment on various dates. Taking into account the injuries sustained by the claimant, the Tribunal has also held that the claimant needs rest for three months. In view of the injuries as noted in the treatment certificate, we feel that the claimant ought to have been awarded compensation of Rs.15,000/- towards pain and suffering as against Rs. 10,000/- already awarded. Similarly, in so far as the award for disability is concerned, in our view, it needs to be enhanced from Rs. 20,000/- already awarded to Rs. 25,000/- taking into account the seriousness of the injuries suffered by the claimant.

3. Thus, in addition to the amount awarded by the Tribunal, we award an additional compensation of Rs. 10,000/- (ten thousand) to the

claimant which will also carry interest at the rate of 7% per annum from the date of petition till date of realization.

With the above modification, the appeal stands disposed of.

P.R. RAMAN,
(JUDGE)

ANTONY DOMINIC,
(JUDGE)

knc/-